IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(Crl.).No. 230 of 2007(S)
---

PETITIONER:
---

SONU EAPEN, RIJO VILLA,
ARPOOKKARA EAST P.O.,
KOTTAYAM.

BY ADV. SRI.MATHEW JOHN (K)
SRI.AJEESH K.SASI

RESPONDENTS:
---

1. JACOB JOHN,
PARAKKADAVIL HOUSE, AMARA P.O.,
MADAPPALLY, CHANGANACHERRY.

2. T.V.JOHN,
PARAKKADAVIL HOUSE, AMARA P.O.,
MADAPPALLY, CHANGANACHERRY.

3. THANKAMMA JOHN,
PARAKKADAVIL HOUSE, AMARA P.O.,
MADAPPALLY, CHANGANACHERRY.

4. BABU VAKKAYIL, VAKKAYIL HOUSE,
MUNDIAPPALLY P.O., THIRUVALLA.

5. JESSY BABU, VAKKAYIL HOUSE,
MUNDIAPPALLY P.O., THIRUVALLA.

6. S.I. OF POLICE,
THRIKKODITHANAM POLICE STATION,
CHANGANACHERRY.

R2 TO R5 BY ADV. SRI.JOHN JOSEPH VETTIKAD
SRI.JOSEPH ABRAHAM (KOTTAYAM)

R6 BY GOVT.PLEADER SRI C.M.KAMMAPPU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 14/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE COMPLAINT DTD. 10/9/2007 FILED BY THE PETITIONER BEFORE THE 6TH RESPONDENT.

**P.R.RAMAN & V.K.MOHANAN, JJ.**

---

**W.P.(Crl)NO.230 OF 2007**

---

**Dated this the 14th day of December, 2007**

**JUDGMENT**

Raman, J.

Alleging that the petitioner's minor child is under the illegal custody of respondents 1 to 5 and seeking production and release of the minor child, this habeas corpus writ petition is filed. Considering the fact that the petitioner is the mother and in view of the fact that the lst respondent did not have any objection in handing over the child to the petitioner-mother, there arises no occasion to enter a finding on merits and in view of the above circumstances, the interim custody of the minor child was given to the petitioner. An amount of Rs.5,000/- towards the possible cost that may be awarded in this case to the respondents was deposited. In view of the consistent stand taken by the respondents and having not raised any objection in handing over the child to the petitioner, the petitioner fairly submitted that the amount of Rs.5,000/- deposited can be paid to the respondents. In the circumstances, the respondents are permitted to withdraw the said amount deposited before this Court.

2. We make it clear that if either of the parties approach the family court or any other Forum, the above proceedings and the interim arrangement will not stand in the way of such authority considering the matter on merits and disposing of the same in accordance with law.

Writ Petition is closed.

**P.R.RAMAN,**
**Judge.**

**V.K.MOHANAN,**
**Judge.**

kcv.